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10/530,479

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EXAMINER

SYED, NABIL H

ART UNIT

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2612

NOTIFICATION DATE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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|------------------------------|-------------------------------|-------------------------------|--|
| Office Action Summary | Application No. 10/530,479 | Applicant(s) HIROSE ET AL. | |
| | Examiner Nabil H. Syed | Art Unit 2612 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-14 is/are pending in the application.
- 4a) Of the above claim(s) 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-6 and 8-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a final office action on merits. Amendments received on 12/19/07 have been entered. As per applicant, claim 7 is cancelled. Claims 1-6 and 8-14 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-3, 5-10, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graziano et al. (US Pub 2002/0111698) in view of Sekiguchi (US Pub 2002/0156899).

As of claim 1, Graziano discloses a remote controller which enables a terminal device (via remote devices 10; see fig. 1) to control a device (home attendant 31 and home devices 40; note Graziano discloses that the functionality of home attendant can be incorporated into the home device 40, so each device is communicating with the web based host using the network; see paragraph [0048], lines 8-11, so in the Office Action below the home device encompass both home attendant 31 and home device 40)

through a network (via a web-based system for monitoring and controlling home devices; see paragraph [0002]), comprising:

a server (via the web-based host 70) operable to communicate with the terminal device (via remote device 10) through the network (via network 50), and generate device control data for controlling the device based on a request from the terminal device (via the web-based host device 70 comprising a server 71 which includes a microprocessor 72 which is capable of executing software 73 stored in memory 74, and database 75 connected to server 71. Software 73 includes control panel programs 76 which include multiple applications to receive the signals from the remote device and control the home devices through those commands; see paragraph [0057]); and

a server operable to acquire and store a latest address of the device on the network by communicating with the device at predetermined time intervals (via the web-based host 70 communicating with homes 30 via network 30; see paragraph [0057], lines 4-6), the second-server receiving the device control data from the first server, generating first transmission data including the device control data, and transmitting the first transmission data to the device (via the web based system receiving the commands from the remote device and transmitting them to the home attendant 31 (device) (see paragraph [0079]; also see fig. 1).

However Graziano fails to disclose two different servers and a second server operable to acquire and store a latest IP address of the device on the network.

As explained in previous rejection, the Examiner believes, it would have been obvious to one having ordinary skill in the art at the time the invention was made to

modify the web-based system of Graziano to use more than one server since it has been known in the art that omission or addition of an element, which perform the same functionality, would be a matter of design choice.

In order to further support the Examiner's point of view, Sekiguchi discloses a home network system, including first server (Gateway 118) and a second server (Home Gateway 102) wherein Gateway 118 communicate with a terminal device (via mobile phone) and Home Gateway 102 communicate with the devices inside a home (see fig. 1, also see paragraphs [0019] and [0024]). Sekiguchi further discloses that home gateway 102 (second server) comprises an IP processor (221) which assign latest ip address to the devices (see paragraph [0029]) and an IP processor (215), which obtain and stores the IP address (see paragraph [0038]; also see paragraph [0061]).

From the teaching of Sekiguchi it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Graziano to include a second server to obtain a latest IP address of the device on the network as taught by Sekiguchi so the IP address of the device is automatically obtained and the interface connectivity problem is avoided (see paragraph [0011]).

As of claim 2, Graziano discloses that the server (via web based 70) comprises: data storage operable to store control information that is information necessary to control an operation of the device (via the database 75 storing the data/information from received from the home attendant 31; see paragraph [0038]); display data generator operable to generate display data that allows the terminal device to display the control information (Graziano discloses that the web based host

communicates the monitoring and/or other information related to the home device to the remote device via the network where the information is displayed; see paragraph [0010], lines 17-20); and

control data generator operable to generate the device control data in response to a request from the terminal device (via web based host (70) comprising control panel programs (76) that include different applications so remote device's (10) (terminal device) user can enter home configuration information or home device monitoring and/or control information; see paragraph [0057], lines 15-20);

address storage operable to store an address of the device on the network (via the web based host storing the unique address of each home device; see paragraph [0068], lines 1-7);

address generator operable to generate an address of the device controlled according to the device control data with reference to the stored address (via the web based host comprising home control panel files that contains the address of the home devices and allow the user to monitor and control home devices; see paragraph [0079]); and

transmission data generator operable to generate the first transmission data including the address of the device and the device control data to the device, and transmit the first transmission data to the device, (via the control panel program 76 establish a connection with the home devices and transmitting the transmission data (user's commands) to the home device (see paragraph [0079]), and

the device (home attendant 31 and home devices 40; note Graziano discloses that the functionality of home attendant can be incorporated into the home device 40, so each

device is communicating with the web based host using the network; see paragraph [0048], lines 8-11, so in the Office Action, the home device encompass both home attendant 31 and home device 40) comprises:

section operable to extract the device control data from the first transmission data and section operable to control the operation of the device based on the extracted data for device control (via the home attendant 31 receiving the information from the web based host and performing the function based on that received data; see paragraph [0080]).

However Graziano fails to disclose two different servers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the web-based system of Graziano to use more than one server since it has been known in the art that omission or addition of an element, which perform the same functionality, would be a matter of design choice.

As of claim 3, Graziano discloses that the device comprises:
section operable to detect a status of a target to be controlled in the device; and
section operable to generate second transmission data including status information that is information on the detected operating status, and transmit the second transmission data to the server (via the home attendant monitoring the device 40 and transmitting the status to the web based host through the network; see paragraph [0039]),

the server comprises:

section operable to extract the status information from the second transmission data received from the device (via the web based host receiving the status information from the home attendant; see paragraph [0039], lines 6-9); and

section operable to generate third transmission data including the extracted status information, and the server comprises section operable to extract the status information from the third transmission data received, and generate the display data using the extracted status information (via web based host transmitting the received data to the user; see paragraph [0039], lines 7-9) (also see paragraph [0084] and [0085]).

However Graziano fails to disclose two different servers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the web-based system of Graziano to use more than one server since it has been known in the art that omission or addition of an element, which perform the same functionality, would be a matter of design choice.

As of claim 5, Graziano discloses that the device is a temperature controlling apparatus (via a thermostat) and user wants to control the temperature using the remote device (see paragraph [0080]).

As of claim 6, Graziano discloses all the elements of the claimed invention but fails to explicitly disclose three or more servers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the web-based system of Graziano to use more than one server since it has been known in the art that omission or addition of an element, which perform the same functionality, would be a matter of design choice.

As of claim 7, Graziano discloses that the device functions into which a function of the first server and a function of the second server and third server are integrated are provided by one server (via web based host 70).

As of claim 8, Graziano discloses that a remote control method for enabling a terminal device (via remote devices 10; see fig. 1) to control a device (home attendant 31 and home devices 40; note Graziano discloses that the functionality of home attendant can be incorporated into the home device 40, so each device is communicating with the web based host using the network; see paragraph [0048], lines 8-11, so in the Office Action below the home device encompass both home attendant 31 and home device 40) through a network (via network 50), the method comprising: acquiring and storing a latest address of the device on the network by communicating with the device at predetermined time intervals (via web based host storing the unique address of each device; note: Graziano also discloses the predetermined time by storing the behavioral settings of the device, so the user can choose at what time to monitor or control and what time the device should send the status to the terminal device; see paragraph [0068]), and communicating with the terminal device through the network, generating device control data for controlling the device based on a request from the terminal device (via software 73 including control panel programs⁷⁶ which include multiple applications to receive the signals from the remote device and control the home devices through those commands; see paragraph [0057]; see fig. 5);, generating first transmission data including the device control data and transmitting the first transmission data to the device (via the web based system receiving the commands from the remote device and transmitting them to the home attendant 31 (device) (see paragraph [0079]; also see fig. 1).

Sekiguchi discloses a home network system, including first server (Gateway 118) and a second server (Home Gateway 102) wherein Gateway 118 communicate with a terminal device (via mobile phone) and Home Gateway 102 communicate with the devices inside a home (see fig. 1, also see paragraphs [0019] and [0024]). Sekiguchi further discloses that home gateway 102 (second server) comprises an IP processor (221) which assign latest ip address to the devices (see paragraph [0029]) and an IP processor (215), which obtain and stores the IP address (see paragraph [0038]; also see paragraph [0061]).

As of claim 9, it is a method of using the system of claim 2, so it is rejected as claim 2 above.

As of claim 10, it is a method of using the system of claim 3, so it is rejected as claim 3 above.

As of claim 12, it is a method of using the system of claim 5, so it is rejected as claim 5 above.

As of claim 14, Graziano disclose that the device control data is information for designating temperature (via remote device 10 using to web host 70 to control the temperature inside the home 30; see paragraph [0080]).

4. Claims 4, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graziano et al. (US Pub 2002/0111698) in view of Sekiguchi (US Pub 2002/0156899) as applied to claim 1 and 8 above, and further in view of Nagaoka et al. (US Pub 2002/0180579).

As of claim 4, 11 and 13, Graziano discloses all the elements of the claimed

invention as mention in claim 1 and 8 above, but fails to explicitly disclose that the device is a video recording device and device control data is information about programs.

Nagaoka discloses an electronic device remote control method and electronic device management facility in which a user uses the terminal device to send a command to the video recorder at home to record a certain program at a designated time (see paragraph [0110], and [0182-0185]).

From the teaching of Nagaoka it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the control system of Graziano to control a video recording device as taught by Nagaoka in order to assist the user if a user forgets to perform the presetting program recording while at home, the user can input programming remotely using the terminal device (see paragraph [0152], lines, 1-3).

Response to Arguments

5. Applicant's arguments with respect to all the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nabil H. Syed whose telephone number is 571-270-3028. The examiner can normally be reached on M-F 7:30-5:00 alt friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on (571)272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Nabil H Syed
Examiner
Art Unit 2612

N.S


BRIAN ZIMMERMAN
SUPERVISORY PATENT EXAMINER